
IN THE
**UNITED STATES DISTRICT COURT, DISTRICT OF
MASSACHUSETTS**

J. BRADFORD BROOKS AND LLOYD JENNINGS, AS TRUSTEES OF THE L&B REALTY TRUST,
STAVROS DIMAKIS D/B/A MARK'S DELI, AND STAVROS DIMAKIS AS TRUSTEE OF EVTHOKIA
REALTY TRUST,

Plaintiffs,

v.

CITY OF HAVERHILL, HAVERHILL STEM, LLC, PINEAU PROJECTS, LLC AND THE WESTLAND
GROUP LLC

Defendants.

**On Defendants' Notice of Removal to the United States District Court, District of Massachusetts
(1:19-cv-11258-ADB)**

EMERGENCY ASSENTED TO MOTION FOR IMMEDIATE REMAND

Now come the Plaintiffs' and hereby request the following:

1. Plaintiffs have conferred with counsel for the defendants and they have assented to this motion.
2. Plaintiffs have agreed to amend their complaint as a matter of course pursuant to Fed.R.Civ.P. 15(a)(1)(A).
3. Plaintiffs have filed their motion to amend the complaint on June 17, 2019.
4. In light of the fact that Plaintiffs have amended their complaint, defendant City of Haverhill has assented to an emergency motion to remand this case.
5. A special permit hearing is scheduled for tomorrow, June 18th, 2019 at 7:00 PM in front of the City of Haverhill City Council.

6. In light of tomorrow's upcoming hearing, Plaintiffs respectfully request that this remand be granted so that they can seek a preliminary injunction in the Land Court Department of the Trial Courts of the Commonwealth of Massachusetts later today or first thing tomorrow morning so that the Land Court will have enough time to conduct said hearing.
7. A redline of the Amended Complaint is attached hereto as **Exhibit A** for the Court's convenience.
8. Wherefore, the Plaintiffs respectfully request that this Assented to Motion for Immediate Remand be granted.

Dated: June 17, 2019

Respectfully submitted,

PLAINTIFFS,

By their Attorneys

/s/ Scott A. Schlager

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Counsel for Plaintiffs

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants identified on the Notice of Electronic Filing on June 17th, 2019.

/s/ Scott A. Schlager

CERTIFICATION OF COMPLIANCE WITH L.R. 7.1

I, Scott A. Schlager, hereby certify, pursuant to Local Rule 7.1, that counsel for the Plaintiffs has conferred with opposing counsel Leonard H. Kesten, Esq. on Friday, June 14th, 2019 and has attempted in good faith to resolve or narrow the issue.

/s/ Scott A. Schlager